RNI No. MAHBIL /2009/40123



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच–अ

वर्ष ६, अंक ३] शुक्रवार, फेब्रुवारी २८, २०२०/फाल्गुन ९, शके १९४१ [पृष्ठे ६, किंमत : रुपये ३६.००

असाधारण क्रमांक ८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 28th February, 2020 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. VIII OF 2020.

A BILL

further to amend the Maharashtra Nurses Act, 1966.

WHEREAS it is expedient further to amend the Maharashtra Nurses Act, 1966, for the purposes hereinafter appearing ; it is hereby enacted in the Seventy-first Year of the Republic of India, as follows :— Mah. XL of 1966.

1. This Act may be called the Maharashtra Nurses (Amendment) Act, 2020. Short title

2. In section 3 of the Maharashtra Nurses Act, 1966 (hereinafter referred to as "the principal Act"), in sub-section (*3*), Mah. XL of 1966. Amendment of section 3 of Mah. XL of 1966.

(a) in clause (*a*),—

(*i*) for sub-clause (*i*), the following sub-clause shall be substituted, namely :—

"(*i*) the Assistant Director of Health Services (Nursing);";

(*ii*) after sub-clause (*iii*), the following sub-clause shall be added, namely :—

"(*iv*) the Superintendent of Nursing Services, Municipal Corporation of Brihan Mumbai;";

(*b*) in clause (*b*),—

(*i*) in sub-clause (*i*), for the words "one member" the words "two members" shall be substituted;

(*ii*) in sub-clause (*iv*), the words "from each of the three Regions" shall be deleted;

(*iii*) for sub-clauses (*v*), (*vi*), (*vii*) and (*viii*), the following sub-clause shall be substituted, namely:—

" (*v*) one member, to be elected by the State Branch of the Trained Nurses Association of India;";

(*c*) for clause (*c*), the following clause shall be substituted, namely :—

" (*c*) nominated members,—

five members, to be nominated by the State Government,—

(i) one from Registered Nurses,

(ii) one from Physicians,

(iii) one from Surgeons,

serving under Director of Medical Education and Research;

(iv) one from Public Health Nurses;

(v) one from sister tutors or clinical instructors from the recognized nursing institutions of the State.".

Amendment of section 4 of Mah. XL of 1966.

3. In section 4 of the principal Act, in sub-section (*2*), the second proviso shall be deleted.

Amendment of section 7 of Mah. XL of 1966.

4. In section 7 of the principal Act, in sub-section (*1*),—

(*a*) in clause (*c*), the word "or" shall be deleted;

(*b*) after clause (*d*), the following clauses shall be added, namely :—

" (*e*) if he ceases to be eligible in the category from which he was elected; or

(*f*) if he or his family member is owner or partner of any nursing establishment, in any form whatsoever.".

Amendment of section 17 of Mah. XL of 1966.

5. In section 17 of the principal Act,—

(*a*) in sub-section (*2*), for the word "five" the word "three" shall be substituted;

(*b*) in sub-section (*5*), in clause (*b*),—

(*i*) for the words "two rupees" the words "five hundred rupees" shall be substituted;

(*ii*) in the proviso, for the words "five rupees" the words "two thousand rupees" shall be substituted;

(*c*) in sub-section (*7*), for the words "two rupees" the words "five hundred rupees" shall be substituted.

Insertion of new section 18A in Mah. XL of 1966.

6. After section 18 of the principal Act, the following section shall be inserted, namely :—

Reciprocal Registration.

"18A. (*1*) Any person, who has obtained the qualification for registration as a nurse in the State other than State of Maharashtra, desires to obtain reciprocal registration under the Act, shall make an application in the prescribed form to the Registrar and shall pay such fees as may be prescribed. On receipt of such application and fees, the Registrar shall seek the approval of the President of the Council for reciprocal enrolment of the applicant in the Register.

(*2*) Every person whose name is entered in the Register under sub-section (*1*) shall be given a certificate of reciprocal registration in such form as may be prescribed. Such certificate shall remain in force, for such period, as may be specified therein.

(*3*) Any person who possesses reciprocal registration under sub-section (*1*) shall not be eligible to stand as a candidate or to vote at any election held under this Act.".

Amendment of section 19 of Mah. XL of 1966.

7. In section 19 of the principal Act, in sub-section (*4*), for the words "five rupees" the words "five hundred rupees" shall be substituted.

Amendment of section 27 of Mah. XL of 1966.

8. In section 27 of the principal Act,—

(*a*) in sub-section (*9*),—

(*i*) for the words "two hundred and fifty rupees" the words "five thousand rupees" shall be substituted;

(*ii*) for the words "six months," the words "one year," shall be substituted;

(*iii*) for the words "five hundred rupees," the words "ten thousand rupees," shall be substituted;

(*b*) in sub-section (*10*),—

(*i*) for the words "fifty rupees" the words "two thousand rupees" shall be substituted;

(*ii*) for the words "three months" the words "six months" shall be substituted;

(*iii*) for the words "one hundred rupees," the words "five thousand rupees," shall be substituted;

(*c*) in sub-section (*11*),—

(*i*) for the words "two hundred and fifty rupees" the words "five thousand rupees" shall be substituted;

(*ii*) for the words "six months" the words "one year" shall be substituted;

(*iii*) for the words "one thousand rupees," the words "ten thousand rupees," shall be substituted.

Amendment of section 28 of Mah. XL of 1966.

9. In section 28 of the principal Act, in sub-section (*2*),—

(*a*) for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;

(*b*) for the words "two hundred rupees" the words "two thousand rupees" shall be substituted;

(*c*) for the words "three hundred rupees" the words "five thousand rupees" shall be substituted.

Amendment of section 31 of Mah. XL of 1966.

10. In section 31 of the principal Act,—

(*a*) in sub-section (*3*),—

(*i*) for the words "twenty five rupees" the words "one thousand rupees" shall be substituted;

(*ii*) for the words "fifty rupees" the words "three thousand rupees " shall be substituted;

(*iii*) for the words "one hundred rupees" the words "five thousand rupees" shall be substituted;

(*b*) in sub-section (*4*),—

(*i*) for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;

(*ii*) for the words "two hundred rupees" the words "two thousand rupees" shall be substituted;

(*iii*) for the words "three hundred rupees" the words "five thousand rupees" shall be substituted.

Amendment of section 33 of Mah. XL of 1966.

11. In section 33 of the principal Act,—

(*a*) in clause (*i*), for the words "two hundred and fifty rupees" the words "five thousand rupees" shall be substituted;

(*b*) in clause (*ii*),—

(*i*) for the words "six months" the words "one year" shall be substituted;

(*ii*) for the words "five hundred rupees," the words "ten thousand rupees," shall be substituted.

Amendment of section 34 of Mah. XL of 1966.

12. In section 34 of the principal Act,—

(*a*) in clause (*a*), for the words "one hundred rupees" the words "five thousand rupees" shall be substituted;

(*b*) in clause (*b*),—

(*i*) for the words "three months," the words "six months," shall be substituted;

(*ii*) for the words "two hundred rupees," the words "ten thousand rupees," shall be substituted.

Amendment of section 38 of Mah. XL of 1966.

13. In section 38 of the principal Act, in sub-section (*2*),—

(*a*) after clause (*j*), the following shall be inserted, namely :—

"(*j-1*) under section 18A, the form of application for reciprocal registration, fees therefor and form of certificate of reciprocal registration;";

(*b*) in clause (*k*), for the words "two rupees" the words "one thousand rupees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Nurses Act, 1966 (Mah. XL of 1966) is enacted to unify and make better provision for regulating the registration and training of nurses in the State of Maharashtra. Section 3 of the Nurses Act provides for constitution and incorporation of the Maharashtra Nursing Council for the purposes of the Nurses Act consisting of certain *ex-officio* members, elected members and nominated members as specified therein.

2. The Government of Maharashtra has enacted the Maharashtra State Board of Nursing and Paramedical Education Act, 2013 (Mah. XXIII of 2013) and established the Maharashtra State Board of Nursing and Paramedical Education. After the establishment of the said Board, the work related to giving sanction or affiliation to the Nursing Institutes and conducting the examinations have been transferred from the Maharashtra Nursing Council to the said Board and the work related to registration of Nurses in the State is left with the Maharashtra Nursing Council. At present, the administrator is appointed on the Council. However it is necessary in the interest of nursing profession, to conduct the election of the said Council with revised constitution. It is also necessary to reorganize the constitution of the Maharashtra Nursing Council and to revise the fees, penalties and criteria of disqualification.

There is no provision in the Nurses Act, enabling the registration of the nurses who are registered in their mother State, but migrating to the Maharashtra for employment. Accordingly it is, necessary to incorporate appropriate provision in the said Nurses Act for the reciprocal registration of such nurses.

It is considered expedient to carry out suitable amendments in the Nurses Act.

3. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 25th February, 2020.

AMIT DESHMUKH,
Minister for Medical Education.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 6.— Under the clause, which seeks to insert a new section 18A in the Maharashtra Nurses Act, 1966 (Mah. XL of 1966), power is taken to the State Government to prescribe form in which an application for reciprocal registration shall be made by any person who has obtained the qualification for registration as a nurse in the State other than State of Maharashtra, fees therefor and form of certificate of reciprocal registration.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

Vidhan Bhavan :
Mumbai,
dated 28th February, 2020.

RAJENDRA BHAGWAT,
Secretary (Incharge),
Maharashtra Legislative Assembly.

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